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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/605,079

09/08/2003

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2078

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02/13/2008

EXAMINER

PATEL, KRUNAL D

ART UNIT

PAPER NUMBER

4127

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/605,079	<b>Applicant(s)</b> PABUWAL, ADITYA K	
	<b>Examiner</b> KRUNAL PATEL	<b>Art Unit</b> 4127	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/8/2003</u> .                                                | 6) <input type="checkbox"/> Other: _____.                         |

### DETAILED ACTION

1. This communication is a first office action Non-Final rejection on the merits.

Claims 1-9 as originally filed, are currently pending and have been considered below.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Beniaminy et al. (Pub# US2004/0044542).

**As per claim 1**, Beniaminy et al. teaches a method of providing expert diagnosis and analysis to consumer inquiries comprising a plurality of expert help categories (see paragraph [0108] via Optionally, the types of knowledge base is fault trees and/or list(s) of common problem(s) and/or solution(s) to the problem(s) and/or troubleshooting procedure(s)), an information collection dialog presented to the consumer (see paragraph [0291] via step 42, the user poses a query to the knowledge base), a facility (see paragraph [0285] via a public board) for the experts to respond to consumer inquiries (see paragraph [0285] via and other users or qualified persons may respond to the questions), and a facility for consumers to manage expert responses (see abstract via the outcome of the query is reported by the individual to the system, for completing

the dialogue between the individual and the system. The dialogue, the problem, and information on the suggestion that led to the solution of the problem are added to the knowledge base, and become part of it).

**As per claim 2**, Beniaminy et al. teaches the method;

wherein the information collection dialog is a series of questions and answers presented by the system to the consumer before said consumer first interacts with an expert (see paragraph [0167] via a user (customer or a qualified person), encountering a problem the solution of which he does not know, queries the knowledge base to determine whether the problem and its solution are known).

**As per claim 3**, Beniaminy et al. teaches the method;

wherein the first question within the series of questions is based on the expert help category selected by the consumer (see FIG. 7) and subsequent questions are based on the consumer answer to the prior question (see paragraph [0167] via Step 1).

**As per claim 4**, Beniaminy et al. teaches the method;

wherein the series of questions and answers gather specific customer information (see paragraph [0103] via the notification consists record(s), each of which specifying notification circumstances specified by field(s) of knowledge and/or geographical region and/or asker's profile and/or the time passed since the query was first reported and/or expert's reliability and expertise ranking.

**As per claim 5**, Beniaminy et al. teaches the method;

wherein the specific consumer information results in a defined consumer inquiry (see paragraph [0051] via allowing an individual encountering a problem the solution of

which is not known, to query the knowledge base to determine whether the problem and its solution are found in it).

**As per claim 6**, Beniaminy et al. teaches the method;

wherein the facility for experts to respond to consumer inquiries comprises the information provided by said consumer (see paragraph [0167] via A user (customer or a qualified person), encountering a problem the solution of which he does not know, queries the knowledge base to determine whether the problem and its solution are known), a subject knowledge repository (see paragraph [0035] via Once in the problem resolution knowledge base, all sources contribute to the model stored in the central knowledge repository), and a response area (see paragraph [0054] via allowing the experts who "listen in" the network to answer the query by filling-in their reply to the query form).

**As per claim 7**, Beniaminy et al. teaches the method;

wherein the subject knowledge repository contains material for use in an expert response to the consumer (see paragraph [0035] via Once in the problem resolution knowledge base, all sources contribute to the model stored in the central knowledge repository).

**As per claim 9**, Beniaminy et al. teaches the method;

wherein the facility for consumers to manage expert responses comprises a summary listing of all expert responses (see paragraph [0242] via In this case, CF will also display the list of possible answers defined for each retrieved question.) , a detailed information on each response (see paragraph [0238] via As in can be seen,

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Mary is handling two problems: Joe's problem from this scenario and another one-- Karen's DVD problem. She is now viewing details of Joe's problem), a method for replying to expert responses (see FIG. 4 via select chat room) , and a method to rate expert responses (see paragraph [0010] via The experts usually are paid by the users, and are also rated according to two categories: the number of questions they have been asked, and the users' recommendations).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beniaminy et al.

Beniaminy et al. teaches all of the elements claimed with the exception of the response area comprises greetings, footers, and signatures created by the system. The examiner takes Official Notice that one would respond using an internet based response

consisting of a greeting, footer and signature. Evidence of this is provided by the following example of sending an electronic mail or email. The email would have a greeting or salutation, a body of the message, a footer, and a signature with the sender's contact information. It would have been obvious to one of the ordinary skill in the art at the time of the invention to include the response area comprising greetings, footers, and signatures in the method of Beniaminy because a standard email would be sent in a proper format containing the greeting, footer, and a signature. The use and advantages of this method are well known.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Simmons (US 6,765,593) discloses a method and system for evaluating serviceability of a computer system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRUNAL PATEL whose telephone number is (571)270-5099. The examiner can normally be reached on Monday-Thursday, 7:30AM-5PM and First Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (571) 270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KDP

/Lynda Jasmin/

Supervisory Patent Examiner, Art Unit 4127